THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 13th September, 2006

W.P.No.11143 of 2004

Between:

K.S. Sikandar Sharief … Petitioner

and

The Sub-Collector, Madanapalle,
Chittoor district and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.11143 of 2004

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the 2nd respondent in issuing Notice in ROC.A/319/02, dated 16-6-2004 as arbitrary, illegal and in violation of principles of natural justice.

It appears that the father of the petitioner was a fair price shop dealer of Shop No.3, Gurramkonda village, Chittoor district. During his tenure as a fair price shop dealer, he said to have committed certain irregularities in dealing with rice meant for 'Food For Work' programme. The father of the petitioner died on 8-4-2002. An enquiry was launched and thereafter, it was concluded observing that the father of the petitioner was liable to pay a sum of Rs.92,202.50 being the cost of the rice meant for Food For Work scheme. Since the said liability was fastened without issuing any notice, the petitioner filed earlier Writ Petition No.12256 of 2003 and the same was disposed of on 4-8-2003 directing the petitioner to file a representation/explanation before the 2nd respondent-Mandal Revenue Officer and the Mandal Revenue Officer shall consider the same and take further steps duly intimating the result of such consideration.

Now, the grievance of the petitioner is that he has filed a representation on 18-8-2003 pursuant to the Orders of this Court in Writ Petition No.12256 of 2003, but the same was not considered and the impugned notice dated 16-6-2004 was issued demanding an

amount of Rs.1,34,800/-. Though such an averment is made by the petitioner in the writ affidavit, there is no answer for the same in the counter filed on behalf of the respondents nor is there any mention about the said explanation/representation dated 18-8-2003 of the petitioner in the impugned notice.

In view of the above, there is no necessity of going into all the details. It is suffice to direct the 2nd respondent-Mandal Revenue Officer to consider the representation/explanation filed by the petitioner on 18-8-2003 and pass appropriate orders, within a period of three months from the date of receipt of a copy of this order. Failure to do so, the matter would be viewed seriously. Till such time, the impugned notice shall not be given effect to.

With the above direction, the Writ Petition is disposed of. No order as to costs.

13-9-2006

Office to furnish
CC within 3 days
(B.O.)
prk